

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MR. & MRS. LARRY E. CLARK AND)	CIVIL ACTION NO:
L & M HAIR CARE PRODUCTS, INC.)	
)	
VERSUS)	JUDGE
)	
MANGHAM, HARDY, ROLFS,)	MAGISTRATE JUDGE
<i>ET AL.</i>)	

NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE COURT

**TO: THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA:**

NOW INTO COURT, comes the United States of America, by and through Brandon B. Brown, United States Attorney for the Western District of Louisiana, and Kristen H. Bayard, Assistant United States Attorney, and pursuant to Title 28 United States Code § 1346 and Title 28 United States Code §§ 1442(a), *et seq.*, and hereby files this Notice of Removal respectfully representing as follows:

1.

On May 13, 2024, a Petition to Annul October 2021 Order in the proceeding styled *Mr. & Mrs. Larry E. Clark and L & M Hair Care Products, Inc. versus Manghan, Hardy, Rolfs, et al.*, was filed in the First Judicial District Court, Parish of Caddo, State of Louisiana, bearing Docket No. 362,381-A.¹ Copies of the Citation and Petition to Annul October 2021 Order, without attached exhibits, are attached hereto

¹ The title of the Petition filed by Plaintiffs has been abbreviated herein.

as Exhibit A. This appears to be a supplemental and amending petition filed in lawsuit that has been ongoing since 1990.

2.

United States District Judge Donald E. Walter was added as a defendant in this lawsuit by the Petition to Annul October 2021 Order filed on May 13, 2024.

3.

In the Petition to Annul October 2021 Order, Plaintiffs state this cause of action is being brought to “redress the deprivation committed by the Defendants acting under color of state law, and or color of federal law namely but not limited to: [...] Donald E. Water.” Plaintiffs are requesting “a prospective Injunction to be granted as to the filing of res judicata and/or for other exception and/or motion to deny any state or federal rights based upon the February 20, 1997 judgment issued in the Federal Mandamus suit, No. cv-96-1360, entitled Clark et al., v. Pena, et al., by the U.S. District Court W.D. of Louisiana, Shreveport-Division.” (See Exhibit A, Petition Pages 154-155 (12)). The referenced February 20, 1997 judgment was issued by United States District Judge Donald E. Walter.

4.

The interests of an officer of the courts of the United States are involved in this action, and the alleged “act” at issue in this lawsuit regarding United States District Judge Donald E. Walter was an act under color of office and/or in the performances of his duties, as the claims against United States District Judge Donald E. Walter in

this lawsuit arise out of his rendering of the above-referenced February 20, 1997 judgment.

5.

On the basis of the foregoing, undersigned counsel for United States District Judge Donald E. Walter seeks to remove the above captioned action to the United States District Court for the Western District of Louisiana, Shreveport Division, pursuant to 28 U.S.C. § 1442.

6.

United States District Judge Donald E. Walter was served on May 17, 2024. Therefore, this removal is timely made. 28 U.S.C. § 1446(b).

7.

Undersigned counsel certifies that a copy of this Notice of Removal will be filed with the Caddo Parish Clerk of Court.

WHEREFORE, undersigned counsel for United States District Judge Donald E. Walter files this Notice of Removal of suit number 362,381-A, entitled *Mr. & Mrs. Larry E. Clark and L & M Hair Care Products, Inc. versus Manghan, Hardy, Rolfs, et al.*, presently pending in the First Judicial District Court, Parish of Caddo, State of Louisiana, and asks that this suit **BE DEEMED REMOVED** to the United States District Court for the Western District of Louisiana, with the filing of this Notice of Removal.

Respectfully submitted,

BRANDON B. BROWN
United States Attorney

BY: s/ Kristen H. Bayard
KRISTEN H. BAYARD (#32499)
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Telephone: (337) 262-6618
Facsimile: (337) 262-6693
Email: kristen.bayard@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 6, 2024, a copy of this Notice of Removal of Civil Action from State Court was filed electronically with the Clerk of Court using the CM/ECF system and mailed or e-mailed to all known counsel of record. I also certify that I have mailed by United States Postal Service this filing to Plaintiffs' counsel of record:

Larry E. Clark
P. O. Box 76752
Atlanta, GA 30358
Email: clark9853@gmail.com

s/ Kristen H. Bayard
KRISTEN H. BAYARD (#32499)
Assistant United States Attorney